

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

HOWARD KERSTINE,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. C-1-02-080
	:	
v.	:	JUDGE WEBER
	:	
NINE WEST GROUP INC. and	:	
JONES APPAREL GROUP,	:	December 1, 2003
	:	
Defendants.	:	
	:	

**MOTION TO WAIVE PERSONAL APPEARANCE OF DEFENDANTS'
REPRESENTATIVE AT FINAL PRETRIAL CONFERENCE**

The defendants, Nine West Group Inc. and Jones Apparel Group, Inc. (sued herein as Jones Apparel Group) (hereinafter "Defendants"), respectfully request the Court waive Defendants' representative's personal appearance and permit her to appear at the December 2, 2003 Final Pretrial Conference by telephone.

Defendants' representative, Patricia Lind, resides and works in New York, making travel to and attendance at the Pretrial Conference expensive and time consuming. Ms. Lind is able to participate in the Conference, with equal effect, via telephone. Moreover, Defendants' counsel, who will be appearing at the Pretrial Conference in person, has settlement authority and will be in contact with Ms. Lind, via telephone, throughout the proceedings.

Defendants' counsel has contacted Plaintiff's counsel to advise him of this motion and to determine Plaintiff's position, but has not yet succeeded in doing so.

**ORAL ARGUMENT IS NOT REQUESTED
TESTIMONY IS NOT REQUIRED**

WHEREFORE, Defendants respectfully request Defendants' representative's personal appearance be waived and she be permitted to participate in the Final Pretrial Conference via telephone.

Respectfully submitted,

DEFENDANTS
NINE WEST GROUP INC. and
JONES APPAREL GROUP, INC.

By: s/Gary L. Greenberg
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ORDER

The foregoing Motion having been heard, it is hereby GRANTED/DENIED.

UNITED STATES DISTRICT COURT

DATE

CERTIFICATION OF SERVICE

This is to certify that on this date a copy of the foregoing was served, via facsimile and regular mail, postage prepaid, to counsel of record: Paul H. Tobias, Tobias, Kraus & Torchia, 414 Walnut Street, Suite 911, Cincinnati, Ohio 45202.
